

### **III. Remarks**

#### **A. Objection to the Drawings**

The Action objects to the drawing figures 2-8 as being “too dark.” Replacement drawings sheets 2-8 containing FIGS. 2-8 are submitted herewith. Reconsideration and withdrawal of the objection are respectfully requested.

#### **B. Claim Rejections under 35 U.S.C. § 112**

The Action rejects Claims 1, 13, 15, 16, 28, 30, 32 and 34 as being indefinite under 35 U.S.C. § 112, ¶2 for using “enabling.” Although Applicants respectfully disagree that the use of the term “enabling” is indefinite, Applicants have amended the claims as suggested by the Examiner to recite these features using alternative language. Reconsideration and withdrawal of the rejection of these claim are respectfully requested.

#### **C. Rejection under 35 U.S.C. §101**

The Action rejects Claims 1-14, 30 and 31 as being directed to non-statutory subject matter for not being within the technological arts.

Amended independent Claim 1 is directed to a computer-implemented method of processing lottery sales data that recite the steps of, among other things, calculating values of an index for a subset of lottery retailers and providing the values for display by the computer to the user.

Amended independent Claim 30 is also directed to a computer-implemented method of processing lottery sales data and recited the steps of, among other things, calculating values of the index relative to the subset of lottery retailers and providing a modified table for display including the calculated values.

It is submitted that these independent claims (and their dependent claims) as a whole are clearly within the technological arts and do not recite mere nominal use of components within

the technological arts. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

**D. Rejection under 35 U.S.C. § 103(a)**

The Action rejects Claims 1-10, 12-25 and 27-35 as being obvious from U.S. Patent No. 6,480,836 to Colby et al. Reconsideration and withdrawal of this rejection are respectfully requested in view of the foregoing amendments and the following arguments.

Independent method Claim 1 has been amended to recite the following steps: (i) calculating values of an index for lottery retailers in said subset, said index representing a normalized comparison of sales performance of each of the lottery retailers in said subset relative to said subset of retailers; and (ii) providing said values for display by said computer to said user. Support for this amendment can be found at, for example, FIGS. 2 and 5 and Paragraphs 20 and 26 of the application as filed. In one example described in Paragraph 20, the index is a normalized percentage comparing the individual lottery retailer's sales relative to the average retailer in the displayed group. The index is not merely raw, gross sales of an individual lottery retailer, but rather a tool for comparison of the individual lottery retailers to a selected group of lottery retailers. A retailer's index value with respect to a first group of lottery retailers may be different than the retailer's index value with respect to a second group of lottery retailers, as the value for the retailer is calculated (per Claim 1) with respect to the subset of retailers that satisfies the search criteria.

In rejecting dependent Claim 4 (prior to amendment), the Examiner concluded that Colby et al. teaches a table containing values of an index comparing sales performance because reports comparing sales performance can be generated. Applicants do not believe that Colby et al. shows or describes in any detail the contents of these reports, and it is submitted that one of ordinary skill would understand these reports to show actual sales data, rather than "values of an index for lottery retailers in said subset", where said index represents "a normalized comparison

of sales performance of each of the lottery retailers in said subset relative to said subset of retailers.”

For at least these reasons, reconsideration and withdrawal of the rejection of Claim 1 and Claims 2-14, which depend therefrom, are respectfully requested. Independent Claims 15 and 16 also recite the index value features of Claim 1. For at least the same reasons discussed above in connection with Claim 1, it is submitted that Claims 15 and 16, and Claim 17-29, which depend from Claim 16, are also allowable over the art of record.

Independent Claim 30 is directed to a method where a table is provided for display including values of an index that compares sales performance of each of the lottery retailers in the table. At least one criterion is received from a user for identifying a subset of lottery retailers from the plurality of lottery retailers in the table. Values of the index are calculated for the subset of lottery retailers, and a modified table is provided for display having the calculated values for the subset of lottery retailers. As discussed above in connection with Claims 1, 15 and 16, it is submitted that Colby et al. does not teach or suggest values of an index in a table that compares sales performance of the lottery retailers in the table. Further, it is submitted that Colby et al. does not teach or suggest receiving a query that would identify a subset of retailers from the retailers in the table, calculating values of the index for the subset and providing a modified table for the subset of retailers displaying the calculated values.

The method allows users to parse a display of lottery retailers into a subset and display index values calculated specific to the subset of lottery retailers for comparison. It is submitted that no such method or system is described or suggested in Colby et al. Accordingly, reconsideration and withdrawal of the rejection of Claim 30 and Claim 31, which depends from Claim 30, are respectfully requested. Claims 32-35 recite features that parallel those of Claims 30 and 31. For at least the reasons set forth above in connection with Claims 30 and 31, reconsideration and withdrawal of the rejection of these Claim are respectfully requested.

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**W1200-00041**

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The Action rejects Claims 11 and 26 and being obvious from Colby et al. in view of Johnson, "Map Out Your Profits." Claims 11 and 26 depend from Claims 1 and 16, respectively, and are, therefore, allowable for at least the reasons set forth above in connection therewith. Reconsideration and withdrawal of the rejection of these claims are respectfully requested.

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**IV. Conclusion**

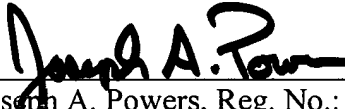
In view of the foregoing remarks and amendments, Applicant(s) submit that this application is in condition for allowance at an early date, which action is earnestly solicited.

The Commissioner for Patents is hereby authorized to charge any additional fees or credit any excess payment that may be associated with this communication to deposit account **04-1679**.

Respectfully submitted,

Dated: \_\_\_\_\_

9/7/05

  
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